Entered - 2-4-10 sb CL 10L0102 - GWENDOLYN BURNS

CLAIM OF:

TYRON CLARK

886 Custer Avenue, SE Atlanta, Georgia 30316

For vehicular damages alleged to have been sustained after driving over a series of potholes in the roadway February 1, 2010 at 3412 Martin Luther King Jr. Drive, SW.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH

DEPUTY/CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON MUNICIPAL CLERK 55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30335 (404) 330-6030 FAX (404) 658-6273

March 19, 2010

Mr. Tyron Clark 886 Custer Avenue, SE Atlanta, Georgia 30316

Dear Mr. Clark

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 15, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>10L0102</u>	Date: <u>February 11, 2010</u>			
Claimant /VictimTYRON CLARK				
RV: (Atty) (Inc. Co.)				
Address: 886 Custer Avenue Atlanta Georgia 30	0316 2,799.53 Bodily Injury \$			
Subrogation: Claim for Property damage \$	2.799.53 Bodily Injury \$			
Date of Notice: 2/2/09 Method: Written Property	Improper			
Conforms to Notice: Q C G A 836-33-5 X	Ante Litem (6 Mo.) X 3412 Martin Luther King, Jr. Drive, SW			
Date of Occurrence 2/1/10 Place: 3	3412 Martin Luther King, Jr. Drive, SW			
Department Bureau:	Office :			
Employee involved Disciplinary	Office :			
	ar damages after driving over a series of potholes in the			
road on the above referenced date and time. An in	vestigation has determined that the State of Georgia,			
Department of Transportation maintains Martin Luther	King, Jr. Drive, SW. The claimant has been advised and			
the claim has been forwarded to GDOT for a resolution.				
the ordin has been for warded to get of the				
INVESTIGATION:				
Statemental City ampleyee Claimant	Others Written Oral Oral			
Diagrams Penorts Police	Dent Report Uther X			
Troffic citations issued: City Driver	Claimant Driver			
Citation disposition: City Driver	Claimant Driver			
Citation disposition. City Driver				
BASIS OF RECOMMENDATION:				
Function: Governmental	Ministerial			
Improper Notice More than Six Months	MinisterialOther X Damages reasonable Compromise settlement Repair/replacement by City Forces Loint Claim Abandoned			
City not involved X Offer rejected _	Compromise settlement			
Repair/replacement by Ins. Co.	Repair/replacement by City Forces			
Claimant Negligent City Negligent	Joint Claim Abandoned			
	Respectfully submitted,			
	~ <i>Q</i>			
	$A' \mathcal{P}_{A'}$			
	(1.1/1/WS			
	INVESTIGATOR - GWENDOLYN BURNS			
	.]			
RECOMMENDATION:	.)			
Pay \$ Adverse Xccount	charged: General Fund Water & Sewer Aviation			
Claims Manager:	Concur/date 02/22/18			
Committee Action:	Council Action			
FORM 23-61 /				

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RECLIMITED AND AMAGES TOTAL STATE AND AMAGES RECEIVED LANGE AND AMAGES TOTAL STATE AND AMAGES TOTA	CITY OF ATLANTA	
RE: CLAIM FOR DANAGES MINICIPAL CLERK FEB 2 RECT Today's Date: 2-1-0410 BURN Allanta, Georgia 30303 Dear Municipal Clerks This is to notify the City of Atlanta that I have suffered damages in the ambuint of \$2,799.5 property boothly highly for which I contend the City is Hable. 1. Date of incident: 2-1-10.2. Time of incidents. 33-6-30003. Police called: 305.66.67.6.6.6.6.6.6.6.6.6.6.6.6.6.6.6.6.	LAW DEPARTMENT	
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7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! 8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle. Your vehicle: 1993 Buck Road master Tyran Allack City vehicle: (Make) (Year) (Tag Number) (Diver's Name) Witness: Vensy L. Markham 10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta and/for its employee(s). 11. Claims must be received within 6 months from the date of the event. I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND (Print Claimant's Name) CORRECT. Signifure of Claimant Hant a GA 30 316 (City, State and Zip Code) L 74-330-3466 (Work Number) (Home Number) The date is wrang	it broke my rim, Coming ground the curvet	I didn't see Hand it was was I more pot hold
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle. Your vehicle: 1993 Buck Road master Tyron McLade (Make) (Year) (Tag Number) (Driver's Name) City vehicle: Witness: Namy C. Markes (City Driver's Name) Witness: Namy C. Markes (City Driver's Name) 10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s). 11. Claims must be received within 6 months from the date of the event. I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. Signature of Claimant MHANT & G.P. 3316 (City, State and Zip Code) LTY-330-3466 (Work Number) (Home Number) Me date 15 Wrang	a Direction of the district of the second	•
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Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith Y	Archibong	Y Moor	e Y	Bond
1 0	Wan	Y Mart	in Y	Watson
D 11411 -	Shook	Y Bott	oms Y	Willis
1 104119 -	Adrean	B Shep	erd NV	Mitchell